

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CERVECERÍA MODELO DE MÉXICO,
S. DE R.L. DE C.V.,

Plaintiff,

vs.

CB BRAND STRATEGIES, LLC,
CROWN IMPORTS LLC, and
COMPAÑÍA CERVECERA DE
COAHUILA, S. DE R.L. DE C.V.,

Defendants.

MEMO ENDORSED

Case No.: 1:21-cv-01317-LAK

ECF Case

USDC SDNY
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DATE FILED: 6-16-21

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that upon (i) the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, (ii) the Declaration of Sara S. Tatum in Support of Defendants' Motion to Dismiss the Complaint, dated, April 5, 2021, and the exhibits annexed thereto, the undersigned will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, Courtroom 21B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007 at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint, ECF No. 1, in the above-captioned action in its entirety and with prejudice and for other and further relief the Court may deem just and proper.

While there appear to be strong arguments on both sides of the case, and they have been ably and well presented by all counsel, the complaint states plausible claims for breach of contract and trademark infringement. The motion to dismiss is denied in all respects.

SO ORDERED


LEWIS A. KAPLAN, USDJ

6/16/21